

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SALVADOR PEREZ,

Petitioner,

v.

S. SAMALOSON,

Respondent.

No. 2:24-cv-2817 AC P

ORDER

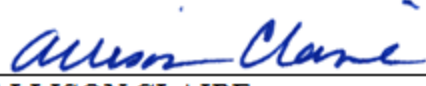
Petitioner is a federal prisoner proceeding pro se with a habeas corpus petition filed pursuant to 28 U.S.C. § 2241. The parties have consented to magistrate judge jurisdiction. ECF No. 7. On December 2, 2024, respondent filed a motion to dismiss the petition. ECF No. 8. Petitioner did not file an opposition or statement of non-opposition to the motion within the time provided by the applicable rules. On January 22, 2025, petitioner was ordered to file a response to the pending motion within twenty-one days. ECF No. 9. In the same order, petitioner was cautioned that failure to file an opposition would result in dismissal without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Id. The twenty-one-day period has now expired, and petitioner has not filed a response to the motion to dismiss or otherwise responded to the court's order.

In considering dismissal for failure to prosecute, the court has considered "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the

1 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
2 merits; and (5) the availability of less drastic alternatives.” Ferdik v. Bonzelet, 963 F.2d 1258,
3 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot move forward without
4 petitioner’s participation, the court finds the factors weigh in favor of dismissal.

5 For the foregoing reasons, IT IS HEREBY ORDERED that this action is dismissed
6 without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

7 DATED: March 5, 2025

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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